IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

MFA.No. 82 of 2007()

WCC.55/2000 of W.C.C., KANNUR
.....

APPELLANT/1ST APPLICANT

T.KUTTIAN, S/O KARIAN,
PERINGANAM, POST MUNNAD,
KASARAGOD.

BY ADV. SRI.K.SHRIHARI RAO

RESPONDENTS: OPPOSITE PARTY/APPLICANTS 2 TO 4:
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1. BADRUDHEEN, PROPRIETOR,
'SHE COLLECTIONS', NEAR OLD BUS STAND,
KASARAGOD.

2. THE COMMISSIONER FOR WORKMEN'S
COMPENSATION AND DEPUTY LABOUR COMMISSIONER,
KANNUR.

3. JANAKI, W/O T.KUTTAN,
PERINGANAM, POST MUNNAD, KASARAGOD.

4. JAYANTHI, D/O T.KUTTAN,
PERINGANAM, POST MUNNAD, KASARAGOD.

5. JAYARAJI, D/O T.KUTTAN,
PERINGANAM, POST MUNNAD, KASARAGOD.

BY

THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.(WC).NO.82 OF 2007 ()

Dated this the 21st day of June, 2007

J U D G M E N T

KOSHY,J.

A salesman of a shop while returning back from his work was murdered by two persons for personal reasons and it had no connection with the employment. The Commissioner dismissed the application stating that there is no evidence to show that accident occurred during the course of employment. Even assuming that the accident occurred while returning from the shop and there is a notional extension of employment, it is not an employment injury as there is no case for the claimant that it has got any connection with the employment. It is a pure murder for personal reasons. For getting compensation under the Workmen's Compensation Act, the accident not only is to occur during the course of employment but also it must be arising out of employment. Both ingredients have to be

proved. Here it is not proved that accident arose out of employment. Hence appeal is dismissed.

J.B.KOSHY, JUDGE

K.P.BALACHANDRAN, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO. OF 2006 ()

J U D G M E N T

8th June, 2007